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ABSTRACT

Chief state school officers and state education departments are probably in the best position to make the spirit of Title IX a reality by aggressively implementing the federal law as well as the laws and policies of their legislatures and state boards. An Equal Rights for Women in Education Project of the Education Commission of the States survey of state departments of education investigated the extent to which they had begun to implement Title IX. It is clear that there is still a good deal of confusion as to the role of the state department in the implementation process and in the specifics of what is required of them. (Author/IRT)

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TITLE IX

EDUCATIONAL AND IMPLEMENTATION

ACTIVITIES OF STATE DEPARTMENTS OF EDUCATION

Paula Herzmark

QUESTION: IF IT TAKES THE FEDERAL GOVERNMENT THREE YEARS TO DEVELOP FINAL REGULATIONS TO ENFORCE A LAW PROHIBITING SEX DISCRIMINATION IN EDUCATION, HOW LONG WILL IT TAKE STATE AND LOCAL GOVERNMENTS TO IMPLEMENT THE REGULATIONS?

MANY WOULD ADVISE US NOT TO HOLD OUR BREATH, POINTING OUT THAT WASHINGTON'S LONG DELAY IN ISSUING THE REGULATION FOR TITLE IX IS EVIDENCE THAT PROMPT GOVERNMENT ACTION, EVEN AT THE STATE LEVEL, IS NOT LIKELY ON THIS ISSUE. SOME ALSO SUGGEST THAT THE STATES CAN BE EXPECTED TO MOVE ONLY AS FAST AS THE FEDERAL GOVERNMENT PUSHES THEM--AND THAT, AFTER ALL, THE ADMINISTRATION'S CIVIL RIGHTS ENFORCEMENT ACTIVITIES TO DATE HAVEN'T SET ANY SPEED RECORDS.

THERE ARE SEVERAL FACTORS, HOWEVER, THAT PROVIDE US WITH SOME GOOD REASONS WHY STATE OFFICIALS MIGHT FOLLOW THROUGH MORE PROMPTLY THAN THEIR FEDERAL COUNTERPARTS, THE MAJOR ONE BEING THEY LITERALLY CANNOT AFFORT NOT TO!

FIRST, FEDERAL LAW SAYS YOU CAN'T HAVE SEX DISCRIMINATION IN A FEDERALLY FUNDED PROGRAM. THAT MEANS ANY STATE THAT FAILS TO OBSERVE THE NEW ANTIDISCRIMINATION RULES MAY JEOPARDIZE MILLIONS OF DOLLARS IN

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FEDERAL GRANTS AND CONTRACTS.

BUT EVEN WITHOUT THAT DANGER, THE STATES WOULD BE MAKING A SERIOUS ECONOMIC AND POLITICAL MISTAKE NOT TO TAKE THE INITIATIVE SOON ON TITLE IX. THAT IS BECAUSE FAILURE TO ACT WOULD ALMOST CERTAINLY ENCOURAGE LAWSUITS AND COLLECTIVE-BARGAINING DEMANDS THAT, IN THE LONG RUN, COULD PROVE PROHIBITIVELY EXPENSIVE.

THEN, TOO, THE STATES CAN EXPECT TEACHER ORGANIZATIONS TO INSIST INCREASINGLY ON CONTRACTUAL ASSURANCES AGAINST SEX DISCRIMINATION IN THE SCHOOLS.

HOW MUCH MORE APPROPRIATE IT WOULD BE FOR THE STATES TO DETERMINE ON THEIR OWN WHAT STEPS THEY MUST TAKE TO PROVIDE EQUAL OPPORTUNITY FOR ALL PEOPLE OF BOTH SEXES IN THEIR EDUCATIONAL SYSTEMS.

THE OBLIGATION RESTS ON SEVERAL LEVELS OF STATE GOVERNMENT--THE LEGISLATURE, THE STATE BOARD OF EDUCATION, THE CHIEF STATE SCHOOL OFFICER, THE STATE EDUCATION DEPARTMENT, THE GOVERNOR'S OFFICE--AND LOCAL SCHOOL BOARDS.

TODAY, WE SHALL FOCUS ON THE STATE DEPARTMENT OF EDUCATION AND ITS EFFORTS TO IMPLEMENT TITLE IX.

THE EQUAL RIGHTS FOR WOMEN IN EDUCATION PROJECT OF THE EDUCATION COMMISSION OF THE STATES RECENTLY SURVEYED STATE DEPARTMENTS OF EDUCATION

TO DETERMINE THE EXTENT TO WHICH THEY HAD BEGUN THE IMPLEMENTATION PROCESS WITH RESPECT TO TITLE IX. BEFORE DETAILING THE RESULTS OF THAT SURVEY, LET ME FIRST LAY OUT THE FIRST FOUR STEPS THAT SHOULD BE TAKEN AS SPECIFIED BY THE TITLE IX REGULATION:

1. DESIGNATE AN EMPLOYEE TO COORDINATE TITLE IX RESPONSIBILITES.
2. DISSEMINATE A POLICY OF NON-DISCRIMINATION.
3. ADOPT AND PUBLISH GOVERNANCE PROCEDURES.
4. BEGIN A SELF-EVALUATION TO IDENTIFY SEX DISCRIMIANTION IN POLICIES AND PRACTICES CONCERNING EMPLOYMENT AND STUDENTS.

THE FIRST TASK WAS TO IDENTIFY TITLE IX COORDINATORS. HAVING ACCOMPLISHED THAT A SURVEY WAS CONDUCTED OF THE DESIGNEES (MANY OF WHOM WERE NOT OFFICIALLY DESIGNATED OR HAD NOT BEEN INFORMED OF IT BY THEIR SUPERVISORS). IN ANY EVENT, THE FOLLOWING SHOULD SUMMARIZE THE RESULTS OF OUR FINDINGS AND I WILL MAKE AVAILABLE A CHART WHICH DETAILS OUR FINDINGS BY STATE.

AS OF APRIL 7, 1976, 44 STATES RESPONDED. SIX DID NOT. FOUR STATES HAVE NO DESIGNATED TITLE IX COORDINATOR, THUS ELIMINATING THE POSSIBILITY OF ELICITING FURTHER INFORMATION. LET US NOW EXAMINE SOME OF THE SPECIFICS:

1. EACH DESIGNEE WAS ASKED THE PERCENTAGE OF TIME SPENT AS TITLE IX COORDINATOR. THE RESPONSE WAS AS FOLLOWS:

FULL-TIME	7
½ TIME OR MORE	6
1/3 TIME	4
¼ TIME OR LESS	17
RESPONDED "PART-TIME" OR "VARIABLE"	5
NO ANSWER	1

2. SOLE PERSON RESPONSIBLE

YES	18
NO	22

3. DESIGNEES WERE ASKED IF MATERIALS HAVE BEEN DEVELOPED BY THIER DEPARTMENTS. TWENTY TWO STATES HAVE DEVELOPED SOMETHING IN THE WAY OF MATERIALS. SOME EXAMPLES INCLUDE.

ARIZONA - SUGGESTIONS FOR LOCAL SCHOOL DISTRICT COMPLIANCE

COLORADO - MEMOS

CONNECTICUT - WORKSHOP INFORMATION SHEETS FOR LOCAL SCHOOL DISTRICT COORDINATORS; OUTLINES PROCEDURES AND ROLE OF COORDINATOR

DELAWARE - SUGGESTED POLICY GUIDE FOR LOCAL SCHOOL DISTRICTS - PROHIBITING SEX DISCRIMINATION IN EDUCATION

FLORIDA - MEMOS TO LOCAL SCHOOL DISTRICTS, CHECKLIST

IDAHO - AFFIRMATIVE ACTION PLAN

IOWA - MULTI-CULTURAL, NON-SEXIST CURRICULUM GUIDELINES

ILLINOIS - TRANSLATION OF TITLE IX

KENTUCKY - MEMOS, TIME CHARTS

LOUISIANA - IN PROCESS

MAINE - GUIDELINES FOR ELIMINATING STEREOTYPING IN CURRICULAR MATERIALS

MARYLAND - GUIDELINES FOR IMPLEMENTATION

MASSACHUSETTS - 622 MATERIALS; COMPLIANCE GUIDELINES FOR TITLE IX AND CHAPTER 622

MINNESOTA - NUMEROUS MEMOS, GUIDELINES, ETC.

NEW HAMPSHIRE - MEMOS ON SELF-EVALUATION, AFFIRMATIVE ACTION

NEW YORK - CURRICULUM MANUAL

NORTH CAROLINA - SOURCE BOOK ON ELIMINATING SEXISM IN EDUCATION

OHIO - MEMOS, CURRICULUM MATERIALS

OREGON - GUIDE FOR HEARINGS, AND GUIDE FOR EQUAL EDUCATION OPPORTUNITIES

TEXAS - CHECKLIST FOR LOCAL SCHOOL DISTRICTS

UTAH - MEMOS (SENSITIVE)

VIRGINIA - ONLY DESEGREGATION MATERIALS

4. DESIGNEES WERE ASKED WHAT PROGRAMS OR ACTIVITIES HAD BEEN CONDUCTED OR WERE PLANNED WITH THE FOLLOWING RESPONSE:

WORKSHOPS FOR DEPARTMENT PERSONNEL	29
COMMUNITY MEETINGS	15
TRAINING FOR LOCAL SCHOOL DISTRICTS	35
OTHER (STATEWIDE, REGIONAL MEETINGS, ETC.)	10
NONE CONDUCTED	1

5. ASKED IF THERE HAD BEEN DISSEMINATION OF MATERIALS TO LOCAL SCHOOL DISTRICTS, 30 RESPONDED IN THE AFFIRMATIVE.

6. ASKED THE LEVEL OF ACTIVITY IN THE LOCAL SCHOOL DISTRICTS FROM THEIR PERSPECTIVE, THE ANSWERS RANGED THEM:

MINIMAL	6
MIXED	22
HIGH	6
UNKNOWN	6

7. ASKED IF THEY HAD IDENTIFIED LOCAL TITLE IX COORDINATORS, THE RESPONSE WAS:

ALL	15
MOST	9
SOME	6
NOT IDENTIFIED	12

8. ASKED IF THERE WAS ANY COMMUNICATION WITH LOCAL SCHOOL DISTRICTS, THE RESPONSE WAS:

REGULAR	30
IRREGULAR	1
NONE	7
NO ANSWER	2

9. ASKED WHAT THEY CONSIDERED TO BE THEIR POSITIVE ACHIEVEMENTS, THE RESPONSE WAS:

AWARENESS	15
DEVELOPING TOOLS	5
INVOLVEMENT OF SUPER-INTENDENTS AND LOCAL STAFF	10

10. ASKED WHAT THE MAJOR PROBLEMS WERE FROM THEIR POINT OF VIEW, THE RESPONSE WAS:

NEGATIVE ATTITUDES	22
PROCEDURAL DIFFICULT.	15
DISSEMINATION OF INFORMATION	13
TRAINING	17
BUDGET	25

IN ADDITION, TO SOME OF THESE HARD NUMBERS, IT WAS CLEAR THAT THERE IS STILL A GOOD DEAL OF CONFUSION AS TO THE ROLE OF THE STATE DEPARTMENT IN THE IMPLEMENTATION PROCESS, AND THE SPECIFICS AS TO WHAT WAS REQUIRED OF THEM. SOME STATE DEPARTMENTS ARE NOT EVEN CONVINCED THAT THEY MUST CONDUCT A SELF-EVALUATION ON THE STATE DEPARTMENT ITSELF. CLEARLY, WE HAVE A LONG WAY TO DO!

CHIEF STATE SCHOOL OFFICERS AND STATE EDUCATION DEPARTMENTS PROBABLY ARE IN THE BEST POSITION TO MAKE THE SPIRIT OF TITLE IX A REALITY. THEY CAN AGGRESSIVELY IMPLEMENT THE FEDERAL LAW, AS WELL AS THE LAWS AND POLICIES OF THEIR LEGISLATURES AND STATE BOARDS.

THEY CAN DEVELOP AN INITIAL AFFIRMATIVE ACTION PLAN AND PROVIDE TECHNICAL ASSISTANCE TO LOCAL EDUCATION AGENCIES. THEY ALSO CAN DEVELOP CRITERIA AND SUPPORTIVE INFORMATION FOR COUNSELORS TO USE IN ELIMINATING SEXISM FROM CAREER GUIDANCE, TESTING, TEXTBOOKS AND OTHER SCHOOL MATERIALS.

IN PENNSYLVANIA, FOR EXAMPLE, THE STATE DEPARTMENT AND SECRETARY OF EDUCATION JOHN C. PITTENGER MADE SUBSTANTIAL PROGRESS IN RECRUITING AND UPGRADING THE EMPLOYMENT OF MINORITIES AND WOMEN IN KEY ADMINISTRATIVE AND POLICY-MAKING POSITIONS--INCLUDING IN ONE YEAR:

- A 13-PERCENT INCREASE IN THE NUMBER OF WHITE WOMEN IN THE DEPARTMENT IN SALARY RANGES ABOVE $13,000.

- A 366-PERCENT INCREASE IN THE NUMBER OF WHITE WOMEN IN SALARY RANGES ABOVE $17,000.

- A 160-PERCENT INCREASE IN THE NUMBER OF BLACKS (MALE AND FEMALE) IN SALARY RANGES ABOVE $17,000.

- A 63-PERCENT INCREASE IN THE TOTAL NUMBER OF BLACKS.

IN ILLINOIS, ANOTHER STATE THAT HAS BEEN ACTIVE IN COMBATING SEX DISCRIMINATION, STATE SUPERINTENDENT JOSEPH CRONIN SAYS THAT "TITLE IX MAY NOT GO FAR ENOUGH. THE STATES MUST PAVE THE WAY THROUGH TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS THAT, IN MANY CASES, DON'T EVEN KNOW THAT THEY DISCRIMINATE."

ALTHOUGH MUCH OF THE TALK OVER THE PAST SEVERAL YEARS HAS FOCUSED ON FEDERAL LAW AND FEDERAL REGULATIONS, THE REAL DETERMINATION OF THE SUCCESS OR FAILURE OF TITLE IX RESTS WITH THE STATES.

MERELY BARRING SEX DISCRIMINATION BY PROVIDING FEDERAL LEGISLATION AND CHARGING A FEDERAL AGENCY WITH IMPLMENTING IT CANNOT, AS A PRACTICAL MATTER, BE EXPECTED TO RESULT IN RAPID TRANSFORMATION OF THE DEEPLY ROOTED POLICIES AND PRACTICES OF EDUCATIONAL INSTITUTIONS. IN ADDITION, MERELY OUTLAWING PRESENT AND FUTURE DISCRIMINATION CANNOT BY ITSELF ELIMINATE THE CONSEQUENCES OF GENERATIONS OF DISCRIMINATION AND INFERIOR TREATMENT OF WOMEN AND GIRLS IN THE PUBLIC SCHOOLS.

STATE DEPARTMENTS OF EDUCATION CAN AND SHOULD PLAY A LEADERSHIP ROLE IN THE IMPLEMENTATION OF TITLE IX. AS MY REMARKS HAVE INDICATED, HOWEVER, WE HAVE ONLY THE BARE BONES OF A BEGINNING OF THIS KIND OF LEADERSHIP. LET US HOPE THAT ALL CHIEF STATE SCHOOL OFFICERS, AND STATE DEPARTMENTS OF EDUCATION WILL ASPIRE TO THE WORDS OF JOHN GARDNER WHO SAID:

> "LEADERS HAVE A SIGNIFICANT ROLE IN CREATING THE STATE OF MIND THAT IS THE SOCIETY. THEY CAN SERVE AS SYMBOLS OF UNITY IN THE SOCIETY. THEY CAN EXPRESS THE VALUES THAT HOLD THE SOCIETY TOGETHER. MOST IMPORTANT, THEY CAN CONCEIVE AND ARTICULATE GOALS THAT LIFT PEOPLE OUT OF THEIR PETTY PREOCCUPATIONS,

CARRY THEM ABOVE THE CONFLICTS THAT TEAR SOCIETY APART,
AND UNITE THEM IN THE PURSUIT OF OBJECTIVES WORTHY OF THEIR
BEST EFFORT."